

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 978

Introduced by Heidemann, 1; Hudkins, 21

Read first time January 9, 2006

Committee: General Affairs

A BILL

1 FOR AN ACT relating to liquor; to amend sections 53-101, 53-123,
2 and 53-124, Reissue Revised Statutes of Nebraska; to
3 provide for bed and breakfast licenses; to provide fees;
4 to harmonize provisions; and to repeal the original
5 sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-101, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-101 Sections 53-101 to 53-1,122 and section 4 of this
4 act shall be known and may be cited as the Nebraska Liquor Control
5 Act.

6 Sec. 2. Section 53-123, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 53-123 Licenses issued by the commission shall be of the
9 following types: (1) Manufacturer's license; (2) alcoholic liquor
10 wholesale license, except beer; (3) beer wholesale license; (4)
11 retail license; (5) railroad license; (6) airline license; (7) boat
12 license; (8) nonbeverage user's license; (9) farm winery license;
13 (10) craft brewery license; (11) shipping license; (12) special
14 designated license; ~~and~~ (13) catering license; and (14) bed and
15 breakfast license.

16 Sec. 3. Section 53-124, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 53-124 At the time application is made to the commission
19 for a license of any type, the applicant shall pay the fee provided
20 in this section and, if the applicant is an individual, provide the
21 applicant's social security number. The fees for annual licenses
22 finally issued by the commission shall be as follows:

23 (1) For a license to manufacture alcohol and
24 spirits.....\$1,000.00;

25 (2) For a license to manufacture beer and wine or to

1 operate a farm winery or craft brewery:

2 (a) Manufacture of beer, excluding beer produced by a
3 craft brewery:

4 (i) 1 to 100 barrel daily capacity, or any part
5 thereof.....\$100.00

6 (ii) 100 to 150 barrel daily capacity.....200.00

7 (iii) 150 to 200 barrel daily capacity.....350.00

8 (iv) 200 to 300 barrel daily capacity.....500.00

9 (v) 300 to 400 barrel daily capacity.....650.00

10 (vi) 400 to 500 barrel daily capacity.....700.00

11 (vii) 500 barrel daily capacity, or more.....800.00;

12 (b) Operation of a craft brewery.....\$250.00;

13 (c) Manufacture of wines.....\$250.00;

14 (d) Operation of a farm winery.....\$250.00. For purposes

15 of subdivision (2)(a) of this section, daily capacity shall mean

16 the average daily barrel production for the previous twelve months

17 of manufacturing operation. If no such basis for comparison exists,

18 the manufacturing licensee shall pay in advance for the first

19 year's operation a fee of five hundred dollars;

20 (3) Alcoholic liquor wholesale license, for the first and

21 each additional wholesale place of business operated in this state

22 by the same licensee and wholesaling alcoholic liquor, except beer

23 and wines produced from farm wineries.....\$750.00;

24 (4) Beer wholesale license, for the first and each

25 additional wholesale place of business operated in this state by

1 the same licensee and wholesaling beer only.....\$500.00;

2 (5) For a retail license:

3 (a) Class A: Beer only except for craft breweries, for
4 consumption on the premises, the sum of one hundred dollars;

5 (b) Class B: Beer only except for craft breweries, for
6 consumption off the premises, sales in the original packages only,
7 the sum of one hundred dollars;

8 (c) Class C: Alcoholic liquor, for consumption on the
9 premises and off the premises, sales in original packages only,
10 the sum of three hundred dollars, except for farm winery or craft
11 brewery sales outlets. If a Class C license is held by a nonprofit
12 corporation, it shall be restricted to consumption on the premises
13 only. A Class C license may have a sampling designation restricting
14 consumption on the premises to sampling, but such designation
15 shall not affect sales for consumption off the premises under such
16 license;

17 (d) Class D: Alcoholic liquor, including beer, for
18 consumption off the premises, sales in the original packages
19 only, except as provided in subsection (2) of section 53-123.04,
20 the sum of two hundred dollars, except for farm winery or craft
21 brewery sales outlets; and

22 (e) Class I: Alcoholic liquor, for consumption on the
23 premises, the sum of two hundred fifty dollars, except for farm
24 winery or craft brewery sales outlets; and -

25 (f) Class J: Nebraska wines, for sales in original

1 packages only, the sum of forty-five dollars.

2 All applicable license fees shall be paid by the
3 applicant or licensee directly to the city or village treasurer in
4 the case of premises located inside the corporate limits of a city
5 or village and directly to the county treasurer in the case of
6 premises located outside the corporate limits of a city or village;

7 (6) For a railroad license.....\$100.00 and \$1.00 for each
8 duplicate;

9 (7) For a boat license.....\$50.00;

10 (8) For a nonbeverage user's license:

11 Class 1.....\$5.00

12 Class 2.....25.00

13 Class 3.....50.00

14 Class 4.....100.00

15 Class 5.....250.00;

16 (9) For an airline license.....\$100.00 and \$1.00 for each
17 duplicate;

18 (10) For a shipping license, except a shipping license
19 issued pursuant to subsection (4) of section 53-123.15.....\$200.00;
20 and

21 (11) For a shipping license issued pursuant to subsection
22 (4) of section 53-123.15.....\$500.00.

23 The license year, unless otherwise provided in the
24 Nebraska Liquor Control Act, shall commence on May 1 of each
25 year and shall end on the following April 30, except that the

1 license year for a Class C license shall commence on November 1
2 of each year and shall end on the following October 31. During
3 the license year, no license shall be issued for a sum less than
4 the amount of the annual license fee as fixed in this section,
5 regardless of the time when the application for such license has
6 been made, except that ~~(a)~~ when there is a purchase of an existing
7 licensed business and a new license of the same class is issued
8 or ~~(b)~~ ~~upon the issuance of~~ when a new license is issued for a
9 location which has not been previously licensed, the license fee
10 and occupation taxes shall be prorated on a quarterly basis as of
11 the date of issuance.

12 Sec. 4. (1) Any person desiring to obtain a bed and
13 breakfast license shall file with the commission:

14 (a) An application in triplicate original upon such forms
15 as the commission prescribes;

16 (b) Proof of membership in an association of bed
17 and breakfast establishments as determined sufficient by the
18 commission; and

19 (c) An application fee of forty-five dollars payable to
20 the commission, which fee shall be returned to the applicant if the
21 application is denied.

22 (2) When an application for a bed and breakfast license
23 is filed, the commission shall notify, by registered or certified
24 mail, return receipt requested with postage prepaid, (a) the clerk
25 of the city or incorporated village in which such applicant is

1 located or (b) if the applicant is not located within a city
2 or incorporated village, the county clerk of the county in which
3 such applicant is located, of the receipt of the application.
4 The commission shall enclose with such notice one copy of the
5 application. The local governing body and the commission shall
6 process the application in the same manner as provided in section
7 53-132.

8 (3) The local governing body with respect to bed and
9 breakfast licensees within its liquor license jurisdiction as
10 provided in subsection (4) of this section may cancel a bed and
11 breakfast license for cause for the remainder of the period for
12 which such license is issued. Any person whose license is canceled
13 may appeal to the commission.

14 (4) For purposes of this section, local governing body
15 means (a) the governing body of the city or village in which the
16 bed and breakfast licensee is located or (b) if such licensee is
17 not located within a city or village, the governing body of the
18 county in which such licensee is located.

19 (5) The local governing body may impose an occupation
20 tax on the business of a bed and breakfast licensee doing business
21 within the liquor license jurisdiction of the local governing body
22 as provided in subsection (4) of this section. Such tax may not
23 exceed double the license fee to be paid under section 53-124.

24 Sec. 5. Original sections 53-101, 53-123, and 53-124,
25 Reissue Revised Statutes of Nebraska, are repealed.